

EXHIBIT H

Gallup, Robert C.

From: Smith, Chris <Chris.Smith@huschblackwell.com>
Sent: Friday, July 7, 2023 9:46 AM
To: Colleen Harrison; justin.bernick@hoganlovells.com; william.monts@hoganlovells.com; peter.walsh@hoganlovells.com; liam.phibbs@hoganlovells.com; olga.fleysh@hoganlovells.com; holden.steinbauer@hoganlovells.com; dlaytin@kirkland.com; ccottrell@kirkland.com; christina.sharkey@kirkland.com; adam.collins@kirkland.com; mjohnson@greeneespe.com; nicholas.ruge@kirkland.com; amarto.bhattacharyya@kirkland.com; vanessa.barsanti@kirkland.com; max.samels@kirkland.com; bryant.watson@kirkland.com; jenna.stupar@kirkland.com; thomas.lis@kirkland.com; Duncan, Richard A.; Coleman, Craig S.; Chow, Emily E.; Todt, Jonathan H.; Yi, John S.; Koltookian, Stephanie A.; Gallup, Robert C.; michaelcarlinsky@quinnemanuel.com; samirashid@quinnemanuel.com; davidadler@quinnemanuel.com; anaisberland@quinnemanuel.com; allisonsilber@quinnemanuel.com; heatherchristenson@quinnemanuel.com; michaelguerrero@quinnemanuel.com; dheeman@spencerfane.com; jnelson@spencerfane.com; rwinter@spencerfane.com; amcclintic@spencerfane.com; kariwohlschlegel@quinnemanuel.com; andrewsutton@quinnemanuel.com; william.greene@stinson.com; nicci.warr@stinson.com; zachary.hemenway@stinson.com; courtney.harrison@stinson.com; william.thomson@stinson.com; pschwingler@jonesday.com; jbaumann@jonesday.com; rparker@milbank.com; jlipton@gibsondunn.com; brian@brownfoxxlaw.com; ckopp@gibsondunn.com; mbutler@gibsondunn.com; jcotter@larkinhoffman.com; jkvinge@larkinhoffman.com; cfitzgerald@gibsondunn.com; rstone@gibsondunn.com; margaret@brownfoxxlaw.com; charlene@brownfoxxlaw.com; myu@gibsondunn.com; Chapin, Aaron; Jacob, Tessa; Spung, James; Husgen, Jason; Wall, Amanda; Cook, Tanner; Ledden, Kate; Zimmerman, Sarah; LegalSupportTeam-Law-OMA@huschblackwell.com; radcox@axinn.com; trider@axinn.com; lstrang@axinn.com; boppenheimer@axinn.com; bboxbaum@axinn.com; vsood@axinn.com; avissichelli@axinn.com; arivers@axinn.com; jtaylor@axinn.com; dweals@axinn.com; vlu@axinn.com; tchowdhury@axinn.com; klovet@axinn.com; cbowden@axinn.com; AxinnServicePork@axinn.com; DGraham@dykema.com
Cc: Scott Gant; Chris Seeger; Jennifer Scullion; christopher.wilson@bakerbotts.com; Rubenstein, Julie
Subject: RE: New document: IN RE PORK ANTITRUST LITIGATION (Doc# 1947, D. Minn. 0:18-cv-01776-JRT-JFD)

This Message originated outside your organization.

Scott, per your request, I have restated questions raised on our call yesterday.

1. When/how was Carina formed and what is its structure?
2. Does Carina have any assets other than the assigned claims of Sysco? Is it essentially a shell company?
3. Will Carina consent to supplemental discovery on its organization, how it is funded, its assets, if any, and the nature of the assignment including consideration?
4. Has Sysco released or compromised claims against Boies Schiller as part of the resolution with Burford?
5. Will Carina provide the documentation on the commitment and transfer agreement with Sysco?
6. Will Carina sit for a deposition on issues relating to the assignment, capitalization, and formation?

7. Will Sysco sit for a deposition on the nature of the assignment?
8. Is Carina assuming liability/responsibility for any of the actions (discovery/pleading, etc.) Sysco has taken in this case to date?
9. Will Carina and/Boies be prepared to provide financial assurances/guarantees on their ability to cover any sanctions or costs that may be incurred for discovery related issues and cost shifting if, for example, the Court determines that they pursued or multiplied these proceedings in bad faith?
10. Who is going to be available for trial on Sysco claims?
11. Will Sysco/Carina stipulate that Sysco will still be treated as a party to the litigation, including, for example, with respect to trial attendance and evidence admissibility issues (e.g. party admissions)
12. How do you propose handling the assignment/party shift in jury instructions and at trial? For example, will you agree that the Jury should understand who Corina is and how it acquired these claims.

Christopher A. Smith
Partner

Direct: 314-480-1836

Chris.Smith@huschblackwell.com

From: Smith, Chris

Sent: Wednesday, July 5, 2023 6:14 PM

To: Colleen Harrison <CHarrison@BSFLLP.com>; justin.bernick@hoganlovells.com; william.monts@hoganlovells.com; peter.walsh@hoganlovells.com; liam.phibbs@hoganlovells.com; olga.fleysh@hoganlovells.com; holden.steinhauer@hoganlovells.com; dlaytin@kirkland.com; ccottrell@kirkland.com; christina.sharkey@kirkland.com; adam.collins@kirkland.com; mjohnson@greeneespel.com; nicholas.ruge@kirkland.com; amarto.bhattacharyya@kirkland.com; vanessa.barsanti@kirkland.com; max.samels@kirkland.com; bryant.watson@kirkland.com; jenna.stupar@kirkland.com; thomas.lis@kirkland.com; Richard.Duncan@FaegreDrinker.com; Craig.Coleman@FaegreDrinker.com; Emily.Chow@FaegreDrinker.com; Jonathan.Todt@FaegreDrinker.com; John.Yi@FaegreDrinker.com; Stephanie.Koltookian@FaegreDrinker.com; Robert.Gallup@FaegreDrinker.com; michaelcarlinsky@quinnemanuel.com; samirashid@quinnemanuel.com; davidadler@quinnemanuel.com; anaisberland@quinnemanuel.com; allisonsilber@quinnemanuel.com; heatherchristenson@quinnemanuel.com; michaelguerrero@quinnemanuel.com; dheeman@spencerfane.com; jnelson@spencerfane.com; rwinter@spencerfane.com; amclintic@spencerfane.com; kariwohlschlegel@quinnemanuel.com; andrewsutton@quinnemanuel.com; william.greene@stinson.com; nicci.warr@stinson.com; zachary.hemenway@stinson.com; courtney.harrison@stinson.com; william.thomson@stinson.com; pschwingler@jonesday.com; jbaumann@jonesday.com; rparker@milbank.com; jlipton@gibsondunn.com; brian@brownfoxlaw.com; ckopp@gibsondunn.com; mbutler@gibsondunn.com; jcotter@larkinhoffman.com; jkvinge@larkinhoffman.com; cfitzgerald@gibsondunn.com; rstone@gibsondunn.com; margaret@brownfoxlaw.com; charlene@brownfoxlaw.com; myu@gibsondunn.com; Chapin, Aaron <Aaron.Chapin@huschblackwell.com>; Jacob, Tessa <Tessa.Jacob@huschblackwell.com>; Spung, James <James.Spung@huschblackwell.com>; Husgen, Jason <Jason.Husgen@huschblackwell.com>; Wall, Amanda <Amanda.Wall@huschblackwell.com>; Cook, Tanner <Tanner.Cook@huschblackwell.com>; Ledden, Kate <Kate.Ledden@huschblackwell.com>; Zimmerman, Sarah <Sarah.Zimmerman@huschblackwell.com>; LegalSupportTeam-Law-OMA@huschblackwell.com; radcox@axinn.com; trider@axinn.com; lstrang@axinn.com; boppenheimer@axinn.com; bboxbaum@axinn.com; vsood@axinn.com; avissichelli@axinn.com; arivers@axinn.com; jtaylor@axinn.com; dweals@axinn.com; vlu@axinn.com; tchowdhury@axinn.com; klovet@axinn.com; cbowden@axinn.com; AxinnServicePork@axinn.com; DGraham@dykema.com

Cc: Scott Gant <sgant@bsfllp.com>; Chris Seeger <CSeeger@seegerweiss.com>; Jennifer Scullion <JScullion@seegerweiss.com>; christopher.wilson@bakerbotts.com; Rubenstein, Julie <julie.rubenstein@bakerbotts.com>

Subject: RE: New document: IN RE PORK ANTITRUST LITIGATION (Doc# 1947, D. Minn. 0:18-cv-01776-JRT-JFD)

Below are some of the questions Defendants have. This list is by no means exhaustive, but it covers the big picture concerns.

1. When was Carina formed and how is it capitalized?
2. Will Carina consent to supplemental discovery on its organization, how it is capitalized, and the nature of the assignment?;
3. Will Carina sit for a deposition on issues relating to the assignment, capitalization, and formation?
4. Will Sysco sit for a deposition on the nature of the assignment?
5. Is Carina assuming liability/responsibility for any of the actions (discovery/pleading, etc.) Sysco has taken in this case to date?
6. Will Carina and/Boise be prepared to provide financial assurances/guarantees on their ability to cover any sanctions or costs that may be incurred for discovery related issues and cost shifting if, for example, the Court determines that they pursued or multiplied these proceedings in bad faith?
7. Who is going to be available for trial on Sysco claims?
8. Will Sysco/Carina stipulate that Sysco will still be treated as a party to the litigation, including, for example, with respect to trial attendance and evidence admissibility issues (e.g. party admissions)
9. How do you propose handling the assignment/party shift in jury instructions?

Please circulate an invite. Can you also confirm whether counsel for Sysco will also be participating in the meet and confer. I assume yes, but wanted to confirm in advance.

Thank you.

Christopher A. Smith
Partner

Direct: 314-480-1836

Chris.Smith@huschblackwell.com

From: Colleen Harrison <CHarrison@BSFLLP.com>

Sent: Wednesday, July 5, 2023 11:20 AM

To: justin.bernick@hoganlovells.com; william.monts@hoganlovells.com; peter.walsh@hoganlovells.com; liam.phibbs@hoganlovells.com; olga.fleysh@hoganlovells.com; holden.steinhauer@hoganlovells.com; dlaytin@kirkland.com; ccottrell@kirkland.com; christina.sharkey@kirkland.com; adam.collins@kirkland.com; mjohnson@greeneespe.com; nicholas.ruge@kirkland.com; amarto.bhattacharyya@kirkland.com; vanessa.barsanti@kirkland.com; max.samels@kirkland.com; bryant.watson@kirkland.com; jenna.stupar@kirkland.com; thomas.lis@kirkland.com; Richard.Duncan@FaegreDrinker.com; Craig.Coleman@FaegreDrinker.com; Emily.Chow@FaegreDrinker.com; Jonathan.Todt@FaegreDrinker.com; John.Yi@FaegreDrinker.com; Stephanie.Koltookian@FaegreDrinker.com; Robert.Gallup@FaegreDrinker.com; michaelcarlinsky@quinnemanuel.com; samirashid@quinnemanuel.com; davidadler@quinnemanuel.com; anaisberland@quinnemanuel.com; allisonsilber@quinnemanuel.com; heatherchristenson@quinnemanuel.com; michaelguerrero@quinnemanuel.com; dheeman@spencerfane.com; jnelson@spencerfane.com; rwinter@spencerfane.com; amcclintic@spencerfane.com; kariwohlschlegel@quinnemanuel.com; andrewsutton@quinnemanuel.com; william.greene@stinson.com; nicci.warr@stinson.com; zachary.hemenway@stinson.com; courtney.harrison@stinson.com; william.thomson@stinson.com; pschwingler@jonesday.com; jbaumann@jonesday.com; rparker@milbank.com; jlipton@gibsondunn.com; brian@brownfoxlaw.com; ckopp@gibsondunn.com; mbutler@gibsondunn.com; jcotter@larkinhoffman.com; jkvinge@larkinhoffman.com; cfitzgerald@gibsondunn.com; rstone@gibsondunn.com; margaret@brownfoxlaw.com; charlene@brownfoxlaw.com; myu@gibsondunn.com; Chapin, Aaron <Aaron.Chapin@huschblackwell.com>; Smith, Chris <Chris.Smith@huschblackwell.com>; Jacob, Tessa <Tessa.Jacob@huschblackwell.com>; Spung, James <James.Spung@huschblackwell.com>; Husgen, Jason <Jason.Husgen@huschblackwell.com>; Wall, Amanda <Amanda.Wall@huschblackwell.com>; Cook, Tanner <Tanner.Cook@huschblackwell.com>; Ledden, Kate <Kate.Ledden@huschblackwell.com>; Zimmerman, Sarah <Sarah.Zimmerman@huschblackwell.com>; LegalSupportTeam-Law-OMA@huschblackwell.com; radcox@axinn.com; trider@axinn.com; lstrang@axinn.com; boppenheimer@axinn.com; bboxbaum@axinn.com; vsood@axinn.com; avissichelli@axinn.com; arivers@axinn.com; jtaylor@axinn.com; dweals@axinn.com; vlu@axinn.com; tchowdhury@axinn.com; klovett@axinn.com; cbowden@axinn.com; AxinnServicePork@axinn.com;

DGraham@dykema.com

Cc: Scott Gant <sgant@bsfllp.com>; Chris Seeger <CSeeger@seegerweiss.com>; Jennifer Scullion <JScullion@seegerweiss.com>; christopher.wilson@bakerbotts.com; Rubenstein, Julie <julie.rubenstein@bakerbotts.com>

Subject: RE: New document: IN RE PORK ANTITRUST LITIGATION (Doc# 1947, D. Minn. 0:18-cv-01776-JRT-JFD)

[EXTERNAL EMAIL]

Counsel,

We received the attached response from Triumph regarding times to meet and confer tomorrow. To clarify, we would appreciate if you would confer and reply with a single email for all Defendants on the items below.

Thank you,
Colleen

From: Colleen Harrison

Sent: July 5, 2023 11:07 AM

To: justin.bernick@hoganlovells.com; william.monts@hoganlovells.com; peter.walsh@hoganlovells.com; liam.phibbs@hoganlovells.com; olga.fleysh@hoganlovells.com; holden.steinhauer@hoganlovells.com; dlaytin@kirkland.com; ccottrell@kirkland.com; christina.sharkey@kirkland.com; adam.collins@kirkland.com; mjohnson@greeneespe.com; nicholas.ruge@kirkland.com; amarto.bhattacharyya@kirkland.com; vanessa.barsanti@kirkland.com; max.samels@kirkland.com; bryant.watson@kirkland.com; jenna.stupar@kirkland.com; thomas.lis@kirkland.com; Richard.Duncan@FaegreDrinker.com; Craig.Coleman@FaegreDrinker.com; Emily.Chow@FaegreDrinker.com; Jonathan.Todt@FaegreDrinker.com; John.Yi@FaegreDrinker.com; Stephanie.Koltookian@FaegreDrinker.com; Robert.Gallup@FaegreDrinker.com; michaelcarlinsky@quinnemanuel.com; samirashid@quinnemanuel.com; davidadler@quinnemanuel.com; anaisberland@quinnemanuel.com; allisonsilber@quinnemanuel.com; heatherchristenson@quinnemanuel.com; michaelguerrero@quinnemanuel.com; dheeman@spencerfane.com; jnelson@spencerfane.com; rwinter@spencerfane.com; amcclintic@spencerfane.com; kariwohlschlegel@quinnemanuel.com; andrewsutton@quinnemanuel.com; william.greene@stinson.com; nicci.warr@stinson.com; zachary.hemenway@stinson.com; courtney.harrison@stinson.com; william.thomson@stinson.com; pschwingler@jonesday.com; jbaumann@jonesday.com; rparker@milbank.com; jlipton@gibsondunn.com; brian@brownfoxlaw.com; ckopp@gibsondunn.com; mbutler@gibsondunn.com; jcotter@larkinhoffman.com; jkvinge@larkinhoffman.com; cfitzgerald@gibsondunn.com; rstone@gibsondunn.com; margaret@brownfoxlaw.com; charlene@brownfoxlaw.com; myu@gibsondunn.com; aaron.chapin@huschblackwell.com; chris.smith@huschblackwell.com; tessa.jacob@huschblackwell.com; james.spung@huschblackwell.com; jason.husgen@huschblackwell.com; amanda.wall@huschblackwell.com; tanner.cook@huschblackwell.com; kate.ledden@huschblackwell.com; sarah.zimmerman@huschblackwell.com; LegalSupportTeam-Law-OMA@huschblackwell.com; radcox@axinn.com; trider@axinn.com; lstrang@axinn.com; boppenheimer@axinn.com; bboxbaum@axinn.com; vsood@axinn.com; avissichelli@axinn.com; arivers@axinn.com; jtaylor@axinn.com; dweals@axinn.com; vlu@axinn.com; tchowdhury@axinn.com; klovett@axinn.com; cbowden@axinn.com; AxinnServicePork@axinn.com; DGraham@dykema.com

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Subject: FW: New document: IN RE PORK ANTITRUST LITIGATION (Doc# 1947, D. Minn. 0:18-cv-01776-JRT-JFD)

Counsel,

Please let us know by 4 PM eastern today:

1. All the times you are available tomorrow to meet and confer regarding Sysco and Carina's Motion to Substitute Plaintiff;

2. To make the meet-and-confer as productive as possible, a list of any questions you have regarding the Motion; and
3. Your availability for a hearing on the Motion during the week of July 17.

Regards,

Colleen Harrison
Counsel

BOIES SCHILLER FLEXNER LLP

333 Main Street
Armonk, NY 10504
(office) [+1 914 749 8204](tel:+19147498204)
(mobile) [+1 914 715 1375](tel:+19147151375)
charrison@bsflfp.com
www.bsflfp.com

IN RE PORK ANTITRUST LITIGATION

Docket entry number: 1947

(Text-Only) Order: This matter is before the Court on a [1940] MOTION to Substitute Party. The Meet and Confer Statement [1941] shows that no Defendant has consented to the Motion, and various Defendants assert material shortcomings in the meet and confer process (Dkt. Nos. 1945, 1946). The meet and confer requirement of D. Minn. LR 7.1(a) is a meaningful one. As stated in Magistrate Judge Docherty's Practice Pointers, "The meet-and-confer requirement of the Local Rules is intended to lead to a meaningful, pre-motion-filing exchange of views between the parties to a lawsuit, and, if possible, to a full or partial resolution of the matter(s) that are the subject of a contemplated motion. Neither a desultory, pro forma conversation, nor letter writing or email campaigns satisfy the letter or the spirit of the meet-and-confer requirement of the Local Rules." The motion also does not comply with D. Minn. LR 7.1(b) in several respects. The filing attorney must call chambers and schedule a hearing on the motion and comply with all other requirements of LR 7.1(b) by July 7, 2023, and must also file an Amended Meet and Confer Statement showing that a meaningful meet and confer has occurred, or the Court will deny the motion without prejudice. Ordered by Magistrate Judge John F. Docherty on 7/5/2023. (ALM) (Entered: 07/05/2023)

Date entered: 2023-07-05

VIEW CASE

<https://app.pacerpro.com/cases/7275496>

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